



06-1005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FREEMAN Jr. et al.

Serial No.: 10/848,929

Filed: May 18, 2004

Atty. File No.: 1029-358-CIP

For: "EDGEWISE ORTHODONTIC  
BRACKET WITH CHARACTER  
BASE"

**Mail Stop: Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3732

) Examiner: Not Yet Assigned

) **AMENDMENT AND PETITION TO**  
) **CORRECT INVENTORSHIP**  
) **PURSUANT TO**  
) **37 CFR § 1.48(a)**

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV493477635US

) DATE OF DEPOSIT: June 8, 2005

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA  
"EXPRESS MAIL" ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: Chasity C. Rossum

Dear Sir:

This amendment and petition is to correct the incorrect original naming of inventors in the declaration executed on August 3<sup>rd</sup> and 4<sup>th</sup> of 2004 for the above-identified application, pursuant to 37 CFR § 1.48(a). Please add the following previously unnamed persons as an inventor of the application:

David R. Wolf  
9125 West 4<sup>th</sup> Avenue  
Lakewood, Colorado 80226

Rosilio Ronald Perez  
535 Mimosa Avenue  
Vista, California 92081

Enclosed herewith are:

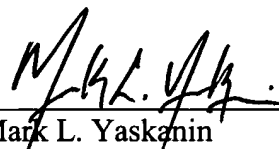
- (1) a statement from both David R. Wolf and Rosilio R. Perez indicating that the error in inventorship occurred without deceptive intent on their part (37 CFR § 1.48(a)(2));
- (2) a declaration by each of the actual inventors as required by 37 CFR § 1.63 (37 CFR § 1.48(a)(3)); and,
- (3) written assent from RMO, Inc., the assignee of the present invention (37 CFR § 1.48(a)(5)).

*Application No. 10/848,929*

Pursuant to 37 CFR § 1.17(i), a check in the amount of \$130.00 is enclosed (37 CFR § 1.48(a)(4)). The Commissioner is hereby authorized to charge our Deposit Account No. 19-1970 for any fee deficiencies associated with the filing of this paper.

Respectfully submitted,  
SHERIDAN ROSS P.C.

By: \_\_\_\_\_

  
Mark L. Yaskanin  
Registration No. 45,246  
1560 Broadway, Suite 1200  
Denver, Colorado 80202  
(303) 863-9700

Date: \_\_\_\_\_

*June 8, 2005*

FILE  
JUN 08 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FREEMAN Jr. et al.

Serial No.: 10/848,929

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P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3732

) Examiner: Not Yet Assigned

) **STATEMENT PURSUANT TO**  
) **37 C.F.R. § 1.48(a)(2)**

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV493477635US

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) PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: Chasity C. Rossum

Dear Sir:

I, David R. Wolf, having an address at 9125 West 4<sup>th</sup> Avenue, Lakewood, Colorado 80226,  
hereby state as follows:

1. I believe I am an original, true and joint inventor of the subject matter claimed in  
U.S. Patent Application Serial No. 10/848,929, filed May 18, 2004, entitled  
"EDGEWISE ORTHODONTIC BRACKET WITH CHARACTER BASE."
2. I was previously unnamed as an inventor of the application on the original  
Declaration.
3. The error in inventorship occurred without deceptive intent on my part.

Date: 04-05-05

David R. Wolf



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FREEMAN Jr. et al.

Serial No.: 10/848,929

Filed: May 18, 2004

Atty. File No.: 1029-358-CIP

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P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3732

) Examiner: Not Yet Assigned

) **STATEMENT PURSUANT TO**  
) **37 C.F.R. § 1.48(a)(2)**

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV493477635US

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TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: Chasity C. Rossum

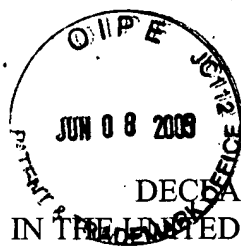
Dear Sir:

I, Rosilio Ronald Perez, having an address at 535 Mimosa Avenue, Vista, California 92081, hereby state as follows:

1. I believe I am an original, true and joint inventor of the subject matter claimed in U.S. Patent Application Serial No. 10/848,929, filed May 18, 2004, entitled "EDGEWISE ORTHODONTIC BRACKET WITH CHARACTER BASE."
2. I was previously unnamed as an inventor of the application on the original Declaration.
3. The error in inventorship occurred without deceptive intent on my part.

Date: 5-2-05

Rosilio Ronald Perez  
Rosilio Ronald Perez



RULE 63 (37 CFR § 1.63)  
DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

We, Ray Winston Freeman, Jr., George Kantor, Paul Ritter Smith, Michael Dean Stevens, Daphne Upchurch, David R. Wolf, and Rosilio Ronald Perez, as a below named inventors, hereby declare that our residence, post office address and citizenship are as stated below next to our names, and we believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "EDGEWISE ORTHODONTIC BRACKET WITH CHARACTER BASE" (as amended), the specification of which has been prepared and filed on May 18, 2004, receiving Serial No. 10/848,929, and further identified as Attorney File No. 1029-358-CIP.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which we have read.

We hereby claim priority benefits under 35 U.S.C. 119(e) of any provisional application(s) for patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Provisional Applications:

Application Serial No.	Filing Date	Status
None		

We hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Number	Country	Filing Date dd/mm/yy	Priority Claimed	
			Yes	No
None			<input type="checkbox"/>	<input type="checkbox"/>

We hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT

international filing date of this application:

PCT or U.S. Applications:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
10/284,016	October 29, 2002	Pending

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor's Signature Ray Winston Freeman Jr Date 5-5-05

Inventor's Name (typed): Ray Winston Freeman, Jr.

Citizenship: U.S.A.

Residence: 16689 Ouray Road East  
Pine, Colorado 80470

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(2) Inventor's Signature George Kantor Date 4-5-05

Inventor's Name (typed): George Kantor

Citizenship: United Kingdom

Residence: 4342 W. Tufts Avenue  
Denver, Colorado 80236

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(3) Inventor's Signature Paul R. Ritter Date 4/21/05

Inventor's Name (typed): Paul Ritter Smith

Citizenship: U.S.A.

Residence: 63 Logan Street, #1  
Denver, Colorado 80203

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(4) Inventor's Signature Michael Dean Stevens Date 4-5-05

Inventor's Name (typed): Michael Dean Stevens

Citizenship: U.S.A.

Residence: 4608 South White Lane  
Littleton, Colorado 80127

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(5) Inventor's Signature Daphne Upchurch Date 4-5-05

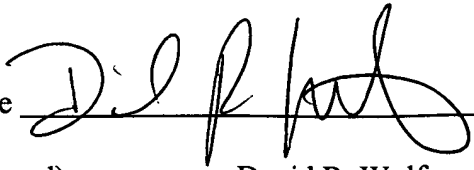
Inventor's Name (typed): Daphne Upchurch

Citizenship: U.S.A.

Residence: 5320 W. 5th Avenue  
Lakewood, Colorado 80226

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(6) Inventor's Signature  Date 6-1-2005

Inventor's Name (typed): David R. Wolf

Citizenship: U.S.A.

Residence: 9125 West 4th Avenue  
Lakewood, Colorado 80226

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(7) Inventor's Signature  Date 5-2-05

Inventor's Name (typed): Rosilio Ronald Perez

Citizenship: U.S.A.

Residence: 535 Mimosa Avenue  
Vista, California 92081

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."



37 CFR §1.56(a) and (b)  
DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application,  
and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

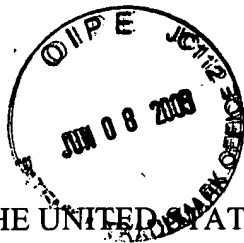
(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FREEMAN Jr. et al.

Serial No.: 10/848,929

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**Mail Stop: Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3732

) Examiner: Not Yet Assigned

**WRITTEN CONSENT OF ASSIGNEE**

**RMO, INC.**

**TO CORRECT INVENTORSHIP**

**PURSUANT TO 37 CFR 3.73(b)**

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV493477635US

) DATE OF DEPOSIT: June 8, 2005

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PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Chasity C. Rossan

SIGNATURE: Chasity C. Rossan

Dear Sir:

RMO, Inc., having a place of business at 650 W. Colfax Avenue, Denver, Colorado 80204, is the assignee of the above-identified application. The Assignment for the application was recorded on September 1, 2004 at Reel 015066, Frame 0543, in which the originally named inventors Ray Winston Freeman, Jr., George Kantor, Paul Ritter Smith, Michael Dean Stevens, and Daphne Upchurch, assigned their rights in the invention to RMO, Inc. A copy of the Notice of Recordation and Assignment are attached.

Applicant hereby assents to the correction of inventorship filed herewith, adding David R. Wolf and Rosilio Ronald Perez as inventors of the above-identified application.

5-10-05

Date

RMO, INC.

Robert Roger

Signature

ROBERT ROGER

Typed or printed name

VICE PRESIDENT

Title



1029-358-CIP

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*500006030\*

SEPTEMBER 02, 2004

PTAS

SHERIDAN ROSS P.C.  
1560 BROADWAY  
SUITE 1200  
DENVER, CO 80202-5141

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/01/2004

REEL/FRAME: 015066/0543  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FREEMAN, JR., RAY WINSTON

DOC DATE: 08/04/2004

ASSIGNOR:

KANTOR, GEORGE

DOC DATE: 08/03/2004

ASSIGNOR:

SMITH, PAUL RITTER

DOC DATE: 08/03/2004

ASSIGNOR:

STEVENS, MICHAEL DEAN

DOC DATE: 08/03/2004

ASSIGNOR:

UPCHURCH, DAPHNE

DOC DATE: 08/04/2004

015066/0543 PAGE 2

## ASSIGNEE:

RMO, INC.  
650 W. COLFAX AVENUE  
DENVER, COLORADO 80204

SERIAL NUMBER: 10848929

FILING DATE: 05/18/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: EDGEWISE ORTHODONTIC BRACKET WITH CHARACTER BASE

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

# BEST AVAILABLE COPY

## ASSIGNMENT

WHEREAS, we, Ray Winston Freeman, Jr. of 16689 Ouray Road East, Pine, Colorado 80470, George Kantor of 4342 W. Tufts Avenue, Denver, Colorado 80236, Paul Ritter Smith of 63 Logan Street, #1, Denver, Colorado 80203, Michael Dean Stevens of 4608 South White Lane, Littleton, Colorado 80127, and Daphne Upchurch of 5320 W. 5th Avenue, Lakewood, Colorado 80226, have invented a certain new and useful invention entitled "IMPROVED EDGEWISE ORTHODONTIC BRACKET WITH CHARACTER BASE," for which an application for Letters Patent of the United States has been prepared and filed on May 18, 2004, receiving Serial No. 10/848,929, and further identified as Attorney File No. 1029-358-CIP.

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, RMO, Inc., a Colorado corporation having a place of business at 650 W. Colfax Avenue, Denver, Colorado 80204, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications; all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than RMO, Inc. and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to RMO, Inc., its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

Date: 8-4-04

By: Ray Winston Freeman, Jr.  
Ray Winston Freeman, Jr.

Date: 8-3-04

By: George Kantor  
George Kantor

Date: 8-3-04

By: Paul Ritter Smith  
Paul Ritter Smith

Date: 08-03-04

By: Michael Dean Stevens  
Michael Dean Stevens

Date: 8/4/04

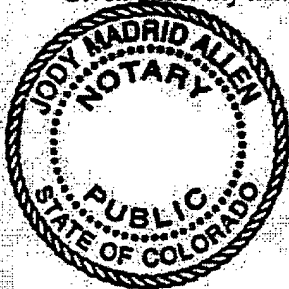
By: Daphne Upchurch  
Daphne Upchurch

# BEST AVAILABLE COPY

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

Before me, a Notary Public in and for said County and State, personally appeared Ray Winston Freeman, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 3<sup>rd</sup> day of August, 2004.



Jody Madrid Allen  
Notary Public

My Commission Expires: \_\_\_\_\_ My Commission Expires 09/04/2005

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )  
COUNTRY OF USA )

Before me, a Notary Public in and for said County and State, personally appeared George Kantor, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 3<sup>rd</sup> day of August, 2004.



Jody Madrid Allen  
Notary Public

My Commission Expires: \_\_\_\_\_ My Commission Expires 09/04/2005

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

Before me, a Notary Public in and for said County and State, personally appeared Paul Ritter Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 3<sup>rd</sup> day of August, 2004.



Jody Madrid Allen  
Notary Public

My Commission Expires: \_\_\_\_\_ My Commission Expires 09/04/2005

STATE OF Colorado)  
) ss.  
COUNTY OF Denver)

BEST AVAILABLE COPY

Before me, a Notary Public in and for said County and State, personally appeared Michael Dean Stevens, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 4<sup>th</sup> day of August, 2004.



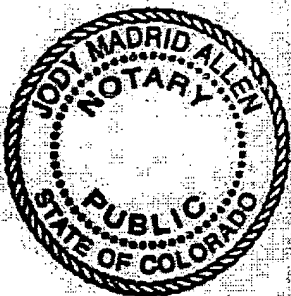
Jody Madrid Allen  
Notary Public

My Commission Expires: \_\_\_\_\_ My Commission Expires 09/04/2005

STATE OF Colorado)  
) ss.  
COUNTY OF Denver)

Before me, a Notary Public in and for said County and State, personally appeared Daphne Upchurch, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 4<sup>th</sup> day of August, 2004.



Jody Madrid Allen  
Notary Public

My Commission Expires: \_\_\_\_\_ My Commission Expires 09/04/2005